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DETAILED ACTION

Cancelled claims 1-71 and new claims 72-84, filed 5/30/07, are acknowledged

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The present title is directed to a “method of identifying agonist and antagonist for target protein with use of nuclear magnetic resonance technique, and program for use in the method”, whereas in contrast the claims are specifically directed to a method of measuring a structural change in a protein when contacted with a compound.

Drawings, filed 5/24/06, are accepted by the Examiner.

The information disclosure statement, filed 5/24/06, has been considered by the Examiner.

Claims herein under examination are 72-84.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code, such as in paragraph 0130. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

Claims 79 and 82-84 are objected to because of the following minor informalities:

Claims 79 and 84 do not have commas after steps (ix) and (x).

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Claim 82 (line 16) recites an abbreviation “spp.” which should be spelled out.

Claim 83 fails to end in a period.

Appropriate correction is requested.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 72-84 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 72-84 are drawn to a process. A process is statutory subject matter under 35 U.S.C. 101 if: (1) it is tied to a particular machine or apparatus or (2) it transforms an article to a different state or thing (In re Bilski, 88 USPQ2d 1385 Fed. Cir. 2008).

The claimed subject matter is not limited to a particular apparatus or machine. To qualify as a statutory process, the claims should require use of a machine within the steps of the claimed subject matter or require transformation of an article to a different state or thing. Insignificant extra-solution activity in the claimed subject matter will not be considered sufficient to convert a process that otherwise recites only mental steps into statutory subject matter (In re Grams 12 USPQ2d 1824 Fed. Cir. 1989). Preamble limitations that require the claimed process to comprise machine implemented steps will not be considered sufficient to convert a process that otherwise recites only mental steps into statutory subject matter. It is noted that the instant claim 72 recites “providing axial variations of NMR signals”; however, this step is not a transformation of an article to a different state or thing. It is further noted that claims 72-84 do not explicitly require

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that the steps of the claimed method are performed on a machine. Applicant is cautioned against introduction of new matter in an amendment.

Claims Rejected Under 35 U.S.C. § 112, Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 72-84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 72 (line 12) recites the limitation "the molecules". There is insufficient antecedent basis for this limitation in the claim as there is no previous mention of molecules. Clarification of this issue via clearer claim wording is requested. Claims 73-84 are also rejected due to their dependency from claim 72.

Claim 72 (line 15) recites the limitation "the determined matrix". There is insufficient antecedent basis for this limitation in the claim. While there is previous mention of Saupe order matrix elements, there is no previous mention of a determined matrix. Clarification of this issue via clearer claim wording is requested. Claims 73-84 are also rejected due to their dependency from claim 72.

Claims 72 (line 15) and 73 (penultimate line) recite the limitation "the information". There is insufficient antecedent basis for this limitation in the claim. It is unclear if "the information" is referring to the information as stated in step (b), step (c), or some other

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information. Clarification of this issue via clearer claim wording is requested. Claims 73-84 are also rejected due to their dependency from claim 72.

Claims 76 (line 3) and 78 (line 3) recite the limitation "the kth pair". There is insufficient antecedent basis for this limitation in the claim as there is no previous mention of a kth pair. Clarification of this issue via clearer claim wording is requested. Claims 79 and 84 are also rejected due to their dependency from claims 76 and 78.

Claims 76 (line 5) and 78 (line 5) recite the limitation "the ith pair". There is insufficient antecedent basis for this limitation in the claim as there is no previous mention of an ith pair. Clarification of this issue via clearer claim wording is requested. Claims 79 and 84 are also rejected due to their dependency from claims 76 and 78.

Claims 76 (line 7) and 78 (line 7) recite the limitation "the jth pair". There is insufficient antecedent basis for this limitation in the claim as there is no previous mention of a jth pair. Clarification of this issue via clearer claim wording is requested. Claims 79 and 84 are also rejected due to their dependency from claims 76 and 78.

Claim 81 (lines 2-4) recites the limitation "the two-dimensional TROSY NMR spectrum". There is insufficient antecedent basis for this limitation in the claim as there is no previous mention of a spectrum. Clarification of this issue via clearer claim wording is requested.

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Conclusion

No claim is allowed.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR §1.6(d)). The Central Fax Center number for official correspondence is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Smith, whose telephone number is (571) 272-0721. The examiner can normally be reached Monday through Thursday from 8 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran, can be reached on (571) 272-0720.

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October 23, 2009

/Carolyn Smith/
Primary Examiner
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